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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.4634 OF 2007
IN
APPEAL NO.616 OF 2003
IN
ARBITRATION PETITION NO.73 OF 2001

Mrs.Sushila Rungta ..Appellant
Vs.
Smt.Mita Madhukar Sheth ..Respondent

Mr.J.S.Chandani for the Appellant.
Mr.Devashish Mitra i/b.Prasad Das for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
ANOOP V.MOHTA,JJ.
DATE : 18TH DECEMBER,2007

P.C.

1. Heard the learned Counsel for the parties. Perused the Notice of Motion and affidavit in support thereof. By this Notice of Motion, the Appellant is seeking to recall of our order dated 28th November,2007 whereby the above Appeal came to be dismissed in default. For the reasons stated in the Affidavit-in-support of the Notice of Motion, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Hence, the Notice of Motion is made absolute in terms of prayer clause (a).

2. The Appellant shall pay costs quantified at Rs.1500/- to the Respondent.

3. Place the above Appeal on board for final hearing on 28th January,2008.

(ANOOP V.MOHTA,J.) **(DR.S.RADHAKRISHNAN,J.)**